

SECTION, BEFORE SUSPENDING A PERMIT, THE SECRETARY SHALL GIVE TO THE HOLDER OF THE PERMIT NOTICE OF INTENT TO SUSPEND.

(2) THE NOTICE SHALL:

(I) SPECIFY WITH PARTICULARITY THE CONDITION OR VIOLATION THAT THE SECRETARY BELIEVES TO JUSTIFY THE SUSPENSION; AND

(II) STATE THAT THE HOLDER HAS AN OPPORTUNITY TO CORRECT THE CONDITION OR VIOLATION BEFORE A TIME THAT IS:

1. AT LEAST 48 HOURS AFTER THE HOLDER RECEIVES THE NOTICE OF INTENT TO SUSPEND; AND

2. AGREED ON BY THE PARTIES OR SET BY THE SECRETARY.

(C) SAME -- WHEN NOT REQUIRED.

THE SECRETARY IS NOT REQUIRED TO GIVE NOTICE OF INTENT TO SUSPEND A PERMIT IF:

(1) THE VIOLATION CREATES AN IMMINENT HAZARD TO PUBLIC HEALTH; OR

(2) THE HOLDER OF THE PERMIT HAS WILLFULLY REFUSED TO PERMIT AN AUTHORIZED INSPECTION.

(D) REVOCATION OF PERMIT.

IF A PERMIT HAS BEEN SUSPENDED MORE THAN ONCE, THE SECRETARY MAY REVOKE THE PERMIT.

REVISOR'S NOTE: This section is new language derived without substantive change from the first and third paragraphs and, as it provided a deadline for applying for a hearing, the second paragraph of former Article 43, § 576.

Subsection (a)(1) of this section is new language added to state a fundamental ground for disciplining a permit holder. For an example of such a provision in the former law, see former Article 43, § 810A(k)(1), which now appears as § 6-415(1) of this article.

Subsection (b)(2)(ii)1. of this section is new language added to clarify the requirement in § 4-419(c) of this subtitle that a licensee receiving a notice of intent to suspend be allowed 48 hours to apply for a hearing before the suspension takes effect. It follows that,